

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NOVOZYMES A/S,  Plaintiff  v.  GENENCOR INTERNATIONAL, INC., and ENZYME DEVELOPMENT CORPORATION  Defendants	C.A. No. 05-160-KAJ
--	---------------------

**JOINT STATUS REPORT**

In accordance with the Scheduling Order dated July 5, 2005, counsel for plaintiff Novozymes A/S (“Novozymes”) and counsel for defendants Genencor International, Inc. and Enzyme Development Corporation (collectively, “Genencor”) have conferred on the matters that the Court may take up during the status and scheduling conference call that has been set for December 14, 2005, at 4:30 p.m. The parties, having considered each of the items set forth in the Scheduling Order dated July 5, 2005, the First Amended Scheduling Order dated October 28, 2005 and the Stipulation of November 9, 2005, hereby submit this joint report as directed by the Court.

**1. Rule 26(a)(1) Initial Disclosures**

The parties have exchanged their initial disclosures in accordance with Rule 26(a)(1) and in accordance with the Scheduling Order. The parties have also agreed on procedures for handling electronic discovery issues.

**2. Joinder of Other Parties and Amendment of Pleadings**

There are no pending motions to join other parties and the period to do so has passed.

**3. Discovery**

The parties have conducted written discovery, document production and depositions in connection with plaintiff's preliminary injunction motion. The parties are now working to complete discovery on liability issues by the January 31, 2006 deadline agreed to by Stipulation. Discovery on damages issues has been stayed until after the liability bench trial, scheduled for three days commencing March 6, 2006.

The parties have served Expert Reports on liability issues. Rebuttal Expert Reports are currently being prepared and will be served by the December 22, 2005 deadline agreed to by stipulation.

**4. Application to Court for Protective Order**

The Stipulated Protective Order is in place.

**5. Settlement Conference**

The parties met with Magistrate Judge Thynge on October 7, 2005 as part of mediation proceedings. The parties were not able to reach agreement. While both parties believe settlement is always an option, at this time the parties expect to proceed to trial.

**6. Matters in Issue**

This is an action for patent infringement. Plaintiff Novozymes filed its complaint on March 15, 2005, asserting infringement of its U.S. Patent No. 6,867,031 ("the '031 patent") which issued the same day. Defendants are Genencor International, Inc. and Enzyme Development Corporation (collectively "Genencor" or "Defendants").

Defendants answered, denying infringement and asserting affirmative defenses of invalidity and unenforceability of the '031 patent.

On June 22, 2005, Novozymes filed a motion for preliminary injunction against Genencor's continued sale of its Spezyme® Ethyl alpha-amylase enzyme product. Expedited discovery was had on the issues relating to the preliminary injunction motion. The motion was argued on October 19, 2005 and denied by memorandum order on October 24, 2005.

After the argument on the preliminary injunction motion, and with the agreement of the parties, the Court bifurcated the issues of damages and liability and scheduled a three day bench trial on liability commencing March 6, 2006. The parties entered into a Stipulation regarding discovery issues, and also agreed that they would not be required to comply with the obligations and/or deadlines stated in paragraphs 9, 11, 12 and 13 of the Court's July 5, 2005 Scheduling Order since all of the claim construction issues shall be dealt with at the trial on liability.

#### **7. Case Dispositive Motions**

There are no case dispositive motions currently pending. According to the First Amended Scheduling Order, dispositive motions relating to damages are to be filed on or before March 3, 2006. During the Status Conference scheduled for December 14, 2005 Novozymes would like to discuss this deadline.

#### **8. Other Matters**

There are no additional matters identified at this time.

Respectfully submitted,

Dated December 7, 2005



Richard H. Morse (No. 531)  
Josy W. Ingersoll (No. 1088)  
Karen E. Keller (No. 4489)  
**YOUNG CONAWAY STARGATT & TAYLOR, LLP**  
1000 West Street, 17th Floor  
Wilmington, Delaware 19801  
(302) 571-6600

OF COUNSEL:  
Joseph R. Robinson  
Steven E. Lipman  
Robert C. Sullivan, Jr.  
Samuel S. Woodley

**DARBY & DARBY P.C.**  
805 Third Avenue  
New York, New York 10022  
(212) 527-7700

*Attorneys for Plaintiff  
Novozymes A/S*

/s/ Donald A. Reid  
**MORRIS, NICHOLS, ARSHT & TUNNEL**  
Donald E. Reid, Esq.  
Jason A. Cincilla, Esq.  
1201 North Market Street, 18<sup>th</sup> Floor  
Wilmington, DE 19899-1347  
Tel: 302.575.7219  
Fax: 302.658.3989

**JONES DAY**  
Kenneth R. Adamo, Esq.  
Tharan Gregory Lanier, Esq.  
Thomas E. Friebel, Esq.  
2822 Sand Hill Road, Suite 240  
Menlo Park, CA 94025  
Tel: 650.739.3939  
Fax: 650.739.3900

*Attorneys for Defendants  
Genencor International, Inc. and  
Enzyme Development Corporation*